

Express Mail Label No.: EV 538968336 US
Date of Deposit: July 26, 2006

Attorney Docket No.: 28616-003 NATL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Scully et al.
SERIAL NUMBER : 10/578,215 EXAMINER : Not Yet Assigned
FILING DATE : May 2, 2006 ART UNIT : Not Yet Assigned
FOR : SPORE INACTIVATION PROCESS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (2 pages), in duplicate;
3. Copies of Cited Reference B1-4; C1-12; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 28616-003 NATL. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

 Reg No 53097

Ingrid A. Beattie, Reg. No. 42,306
Jennifer A. Karnakis, Reg. No. 53,097
Attorneys for Applicants
c/o MINTZ, LEVIN
Address all written correspondence to
Customer no.: 30623
Tel: (617) 542-6000
Fax: (617) 542-2241

Date: July 26, 2006

Express Mail Label No.: EV 538968336 US
Date of Deposit: July 26, 2006

Attorney Docket No.: 28616-003 NATL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Scully et al.
SERIAL NUMBER : 10/578,215 EXAMINER : Not Yet Assigned
FILING DATE : May 2, 2006 ART UNIT : Not Yet Assigned
FOR : SPORE INACTIVATION PROCESS

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being submitted within three months of filing the application. Accordingly, no fee or certification is believed required. By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A1-A3 are not submitted.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.


By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: Scully et al.
U.S.S.N.: 10/578,215

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 28616-003 NATL.

Respectfully submitted,


Ingrid A. Beattie, Reg. No. 42,306

Jennifer A. Karnakis, Reg. No. 53,097

Attorneys for Applicants

c/o MINTZ, LEVIN

Address all written correspondence to

Customer no.: 30623

Tel: (617) 542-6000

Fax: (617) 542-2241

Date: July 26, 2006

TRA 2180338v.1

Express Mail No.: EV 538968336 US
Date of Deposit: July 26, 2006



Page 1 of 2
Attorney Docket No.: 28616-003 NATL

Please type a plus sign (+) in this box



PTO/SB (12-97)
Approved for use through 9/30/00. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Application Number	10/578,215
	Filing Date	May 2, 2006
	First Named Inventor	Scully
	Group Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	28616-003 NATL

U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	*A1	5,945,152	08/31/99	Purser	426	646	
	*A2	6,086,936	07/11/00	Wilson et al.	426	521	
	*A3	6,207,215 B1	03/27/01	Wilson et al.	426	521	

U.S. PUBLISHED APPLICATION DOCUMENTS

Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

Exam Initials	Cite No.	Foreign Patent Document Office	Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes	No
	B1	WO	03/013279 A2	NAVITAL (UK) LIMITED	02/20/03		
	B2	WO	03/070025 A1	L'AIR LIQUIDE - SOCIETE ANONYME A DIRECTOIRE ET CONSEIL DE SURVEILLANCE POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE	08/28/03		
	B3	EP	0 674 845 B1	SOCIETE DES PRODUITS NESTLE S.A.	10/04/95		
	B4	AU	672661	COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION	06/22/94		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	Abstract of JP 5-7479, TOPPAN PRINTING CO., LTD. (01/19/93)
	C2	Bruch, C.W., <i>Life Sci. Space Res.</i> , 2:357-371 (1964)
	C3	Chemical Abstracts: AN 115:206608 CA, abstract of JP 3183435, DAINIPPON PRINTING CO. LTD. (08/09/91)
	C4	Cuq et al. <i>Sciences Des Aliments</i> , English Summary only, 13(4):677-698 (1993)
	C5	Fenice et al. <i>Intl. J. Food Microbiol.</i> , 52:109-113 (1999)

OTHER PRIOR ART – NON-PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C6	Lindström et al. <i>J. Food Protection</i> , 64(6):838-844 (2001)
	C7	Lund et al. <i>J. Applied Bacteriol.</i> , 64:241-246 (1988)
	C8	Moodley et al. <i>J. Food Protection</i> , 65(5):867-871 (2002)
	C9	Pfeiffer et al. <i>Facts</i> , National Pork Producers Counsel and American Meat Science Association (1997) http://www.meatscience.org/Pubs/factsheets/qirradiatin.pdf .
	C10	Raso et al. <i>Crit. Rev. Food Sci. Nutr.</i> , 43(3):265-285 (2003)
	C11	Ross et al. <i>Intl. J. Food Microbiol.</i> , 89:125-138 (2003)
	C12	Tewari et al. <i>Fresher Under Pressure Scientific Research</i> , (first published in <i>Science Des Aliments</i> , 19:619-661 (1999))

* By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A1-A3 are not submitted.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.